
By: Delegates Conway, Schisler, Cadden, Klima, Bozman, W. Baker, Walkup, Dewberry, Minnick, Eckardt, Kelly, Clagett, D. Hughes, McClenahan, Guns, Conroy, Rudolph, Malone, Owings, Holt, and Bonsack

Introduced and read first time: February 5, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Provisional Driver's Permits - Student Discipline**

3 FOR the purpose of requiring a county school superintendent or private school principal
4 to send notice to the Motor Vehicle Administration when a student is suspended or
5 expelled from a public school under certain circumstances; requiring the notice to
6 contain certain information; requiring a superintendent to send a notice to the
7 Administration when an expelled student is reinstated; requiring the notice to
8 contain certain information; altering the term "provisional driver's license" to be
9 "provisional driver's permit"; prohibiting an applicant from receiving a learner's
10 instructional permit, provisional driver's permit, or driver's license if the applicant
11 was suspended or expelled from a school under certain circumstances; authorizing
12 an applicant who was suspended or expelled from a school to receive an
13 instructional learner's permit, provisional driver's permit, or driver's license under
14 certain circumstances; requiring the Administration to revoke the learner's
15 instructional permit, provisional driver's permit, or driver's license of a student who
16 has been suspended or expelled from a school under certain circumstances;
17 authorizing a student whose learner's instructional permit, provisional driver's
18 permit, or driver's license was revoked to apply for another permit or a driver's
19 license under certain circumstances; and generally relating to student discipline and
20 permits or licenses to drive.

21 BY adding to

22 Article - Education
23 Section 7-304.1
24 Annotated Code of Maryland
25 (1992 Replacement Volume and 1995 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article - Transportation
28 Section 11-128
29 Annotated Code of Maryland
30 (1992 Replacement Volume and 1995 Supplement)

31 BY repealing and reenacting, with amendments,

2

1 Article - Transportation
2 Section 16-105(a), 16-111.1(d), 16-111.2, 16-113(d), and 16-113.1
3 Annotated Code of Maryland
4 (1992 Replacement Volume and 1995 Supplement)

5 BY adding to

6 Article - Transportation
7 Section 16-105(h) and 16-204
8 Annotated Code of Maryland
9 (1992 Replacement Volume and 1995 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Education**

13 7-304.1.

14 (A) (1) A COUNTY SUPERINTENDENT OR IN THE CASE OF A PRIVATE
15 SCHOOL, THE SCHOOL PRINCIPAL, SHALL SEND A NOTICE TO THE MOTOR VEHICLE
16 ADMINISTRATION WHEN A STUDENT HAS BEEN DISCIPLINED BY THE STUDENT'S
17 SCHOOL FOR DISRUPTIVE BEHAVIOR OR TRUANCY BY:

18 (I) EXPULSION FROM SCHOOL; OR

19 (II) SUSPENSION FROM SCHOOL IF THE SUSPENSION IS AT LEAST
20 THE STUDENT'S THIRD SUSPENSION FOR DISRUPTIVE BEHAVIOR OR TRUANCY
21 SINCE THE SEVENTH GRADE.

22 (2) A NOTICE SENT TO THE MOTOR VEHICLE ADMINISTRATION UNDER
23 PARAGRAPH (1) OF THIS SUBSECTION SHALL INDICATE:

24 (I) THE NAME AND DATE OF BIRTH OF THE STUDENT;

25 (II) THE STUDENT'S GRADE LEVEL;

26 (III) WHETHER THE STUDENT WAS SUSPENDED OR EXPELLED;

27 (IV) THE DATE OF THE SUSPENSION OR EXPULSION;

28 (V) IF THE STUDENT WAS SUSPENDED, THE DATE THE STUDENT
29 WILL BE REINSTATED; AND

30 (VI) OTHER INFORMATION THE STATE BOARD IN COOPERATION
31 WITH THE MOTOR VEHICLE ADMINISTRATION CONSIDERS NECESSARY.

32 (B) (1) A COUNTY SUPERINTENDENT OR PRIVATE SCHOOL PRINCIPAL
33 SHALL SEND A NOTICE TO THE MOTOR VEHICLE ADMINISTRATION WHEN A
34 STUDENT WHO WAS EXPELLED OR SUSPENDED FROM A SCHOOL IS REINSTATED.

35 (2) A NOTICE SENT TO THE MOTOR VEHICLE ADMINISTRATION UNDER
36 PARAGRAPH (1) OF THIS SUBSECTION SHALL INDICATE:

3

1 (I) THE NAME AND DATE OF BIRTH OF THE STUDENT;

2 (II) THE STUDENT'S GRADE LEVEL;

3 (III) THE DATE OF THE EXPULSION;

4 (IV) THE DATE OF THE REINSTATEMENT; AND

5 (VI) OTHER INFORMATION THE STATE BOARD IN COOPERATION
6 WITH THE MOTOR VEHICLE ADMINISTRATION CONSIDERS NECESSARY.

7 (C) WHEN A STUDENT IN THE SEVENTH GRADE OR HIGHER IS SUSPENDED
8 FROM SCHOOL FOR A SECOND TIME OR EXPELLED FROM A SCHOOL FOR
9 DISRUPTIVE BEHAVIOR OR TRUANCY, THE SUPERINTENDENT OR PRIVATE SCHOOL
10 PRINCIPAL SHALL PROVIDE THE STUDENT AND THE STUDENT'S PARENT OR
11 GUARDIAN WITH A NOTICE, WRITTEN BY THE STATE BOARD IN COOPERATION WITH
12 THE MOTOR VEHICLE ADMINISTRATION, EXPLAINING THAT A SUSPENSION OR
13 EXPULSION FROM SCHOOL CAN NEGATIVELY AFFECT THE STUDENT'S ELIGIBILITY
14 TO RECEIVE AN INSTRUCTIONAL LEARNER'S PERMIT, A PROVISIONAL DRIVER'S
15 PERMIT, OR A DRIVER'S LICENSE UNDER THE TRANSPORTATION ARTICLE.

16 **Article - Transportation**

17 11-128.

18 "License", as used in reference to the operation of a motor vehicle, means any:

19 (1) Driver's license; and

20 (2) Any other license or permit to drive a motor vehicle that is issued under
21 or granted by the laws of this State, including:

22 (i) Any temporary license or learner's instructional permit;

23 (ii) The privilege of any individual to drive a motor vehicle, whether or
24 not that individual is formally licensed by this or any other jurisdiction;

25 (iii) Any nonresident's privilege to drive, as defined in this subtitle; and

26 (iv) A commercial driver's license.

27 16-105.

28 (a) (1) Any individual who desires to obtain an original driver's license under
29 this subtitle or to be licensed in a class for which he is not already licensed under this
30 subtitle shall apply to the Administration for the desired driver's license.

31 (2) Except as provided in subsection (f) of this section, before issuing a
32 driver's license, the Administration shall issue to each applicant a learner's instructional
33 permit. The learner's instructional permit shall identify clearly the class of license for
34 which the applicant has applied.

35 (3) (I) ON OR AFTER OCTOBER 1, 1996 AN APPLICANT FOR A
36 LEARNER'S INSTRUCTIONAL PERMIT WHO WAS BORN AFTER OCTOBER 1, 1980 MAY
37 NOT RECEIVE A PERMIT UNLESS THE APPLICANT PROVIDES DOCUMENTATION

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1 CERTIFYING THAT THE APPLICANT HAS NOT BEEN DISCIPLINED BY THE
2 APPLICANT'S SCHOOL IN THE YEAR BEFORE THE DATE OF APPLICATION FOR
3 DISRUPTIVE BEHAVIOR OR TRUANCY BY:

4 1. EXPULSION FROM SCHOOL; OR

5 2. SUSPENSION FROM SCHOOL IF THE SUSPENSION IS AT
6 LEAST THE APPLICANT'S THIRD SUSPENSION FOR DISRUPTIVE BEHAVIOR OR
7 TRUANCY SINCE THE SEVENTH GRADE.

8 (II) AN APPLICANT WHO MAY NOT RECEIVE A LEARNER'S
9 INSTRUCTIONAL PERMIT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY
10 RECEIVE A LEARNER'S INSTRUCTIONAL PERMIT WHEN THE APPLICANT:

11 1. IS REINSTATED IN SCHOOL AFTER THE MOST RECENT
12 SUSPENSION OR EXPULSION AND HAS COMPLETED 1 FULL YEAR OF SCHOOL WITH
13 AN ACCEPTABLE BEHAVIOR, ATTENDANCE, AND ACHIEVEMENT RECORD
14 CERTIFIED BY THE SCHOOL ADMINISTRATOR;

15 2. GRADUATES FROM SCHOOL;

16 3. RECEIVES A HIGH SCHOOL DIPLOMA UNDER § 7-205 OF
17 THE EDUCATION ARTICLE OR A SIMILAR PROGRAM RECOGNIZED BY THE STATE
18 BOARD OF EDUCATION; OR

19 4. SUCCESSFULLY COMPLETES ANOTHER COURSE OF
20 EDUCATION RECOGNIZED BY THE STATE BOARD OF EDUCATION.

21 (H) (1) THE ADMINISTRATION SHALL REVOKE AN INSTRUCTIONAL
22 LEARNER'S PERMIT IF THE ADMINISTRATION RECEIVES NOTICE FROM A COUNTY
23 SCHOOL SUPERINTENDENT OR PRIVATE SCHOOL PRINCIPAL THAT THE PERMITTEE
24 HAS BEEN DISCIPLINED FOR DISRUPTIVE BEHAVIOR OR TRUANCY BY:

25 (I) EXPULSION FROM SCHOOL; OR

26 (II) SUSPENSION FROM SCHOOL IF THE SUSPENSION IS AT LEAST
27 THE APPLICANT'S THIRD SUSPENSION FOR DISRUPTIVE BEHAVIOR OR TRUANCY
28 SINCE THE SEVENTH GRADE.

29 (2) A PERMITTEE WHOSE INSTRUCTIONAL LEARNER'S PERMIT HAS
30 BEEN REVOKED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY REAPPLY FOR
31 AN INSTRUCTIONAL LEARNER'S PERMIT WHEN THE APPLICANT:

32 (I) IS REINSTATED IN SCHOOL AFTER THE MOST RECENT
33 SUSPENSION OR EXPULSION AND HAS COMPLETED 1 FULL YEAR OF SCHOOL WITH
34 AN ACCEPTABLE BEHAVIOR, ATTENDANCE, AND ACHIEVEMENT RECORD
35 CERTIFIED BY THE SCHOOL ADMINISTRATOR;

36 (II) GRADUATES FROM SCHOOL;

37 (III) RECEIVES A HIGH SCHOOL DIPLOMA UNDER § 7-205 OF THE
38 EDUCATION ARTICLE OR A SIMILAR PROGRAM RECOGNIZED BY THE STATE BOARD
39 OF EDUCATION; OR

5

1 (IV) SUCCESSFULLY COMPLETES ANOTHER COURSE OF
2 EDUCATION RECOGNIZED BY THE STATE BOARD OF EDUCATION.

3 16-111.1.

4 (d) For conversion of a provisional [license] DRIVER'S PERMIT to a driver's
5 license issued under § 16-111 of this subtitle, a licensee shall pay the Administration a fee
6 established by the Administration.

7 16-111.2.

8 (a) Subject to the provisions of § 16-103(b), if an applicant for a driver's license is
9 under the age of 18 and is the holder of a learner's permit, the applicant is entitled to
10 receive a provisional driver's [license] PERMIT if the applicant:

11 (1) Has possessed a valid learner's permit for at least 14 days immediately
12 prior to the date of the application;

13 (2) Passes the examination provided for in this subtitle;

14 (3) Surrenders the learner's permit issued to him;

15 (4) Pays the fee provided by this subtitle; [and]

16 (5) Has reached the age of 16 years; AND

17 (6) PROVIDES DOCUMENTATION CERTIFYING THAT THE APPLICANT
18 HAS NOT BEEN DISCIPLINED BY THE APPLICANT'S SCHOOL IN THE YEAR BEFORE
19 THE DATE OF APPLICATION FOR DISRUPTIVE BEHAVIOR OR TRUANCY BY:

20 (I) EXPULSION FROM SCHOOL; OR

21 (II) SUSPENSION FROM SCHOOL IF THE SUSPENSION IS AT LEAST
22 THE APPLICANT'S THIRD SUSPENSION FOR DISRUPTIVE BEHAVIOR OR TRUANCY
23 SINCE THE SEVENTH GRADE.

24 (B) AN APPLICANT WHO MAY NOT RECEIVE A PROVISIONAL DRIVER'S
25 PERMIT UNDER SUBSECTION (A) OF THIS SECTION MAY RECEIVE A PROVISIONAL
26 DRIVER'S PERMIT WHEN THE APPLICANT:

27 (1) IS REINSTATED IN SCHOOL AFTER THE MOST RECENT SUSPENSION
28 OR EXPULSION AND HAS COMPLETED 1 FULL YEAR OF SCHOOL WITH AN
29 ACCEPTABLE BEHAVIOR, ATTENDANCE, AND ACHIEVEMENT RECORD CERTIFIED BY
30 THE SCHOOL ADMINISTRATOR;

31 (2) GRADUATES FROM SCHOOL;

32 (3) RECEIVES A HIGH SCHOOL DIPLOMA UNDER § 7-205 OF THE
33 EDUCATION ARTICLE OR A SIMILAR PROGRAM RECOGNIZED BY THE STATE BOARD
34 OF EDUCATION; OR

35 (4) SUCCESSFULLY COMPLETES ANOTHER COURSE OF EDUCATION
36 RECOGNIZED BY THE STATE BOARD OF EDUCATION.

1 (C) (1) THE ADMINISTRATION SHALL REVOKE A PROVISIONAL DRIVER'S
2 PERMIT IF THE ADMINISTRATION RECEIVES NOTICE FROM A COUNTY SCHOOL
3 SUPERINTENDENT OR PRIVATE SCHOOL PRINCIPAL THAT THE PERMITTEE HAS
4 BEEN DISCIPLINED FOR DISRUPTIVE BEHAVIOR OR TRUANCY BY:

5 (I) EXPULSION FROM SCHOOL; OR

6 (II) SUSPENSION FROM SCHOOL IF THE SUSPENSION IS AT LEAST
7 THE APPLICANT'S THIRD SUSPENSION FOR DISRUPTIVE BEHAVIOR OR TRUANCY
8 SINCE THE SEVENTH GRADE.

9 (2) A PERMITTEE WHOSE PROVISIONAL DRIVER'S PERMIT HAS BEEN
10 REVOKED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY REAPPLY FOR A
11 PROVISIONAL DRIVER'S PERMIT OR APPLY FOR A DRIVER'S LICENSE WHEN THE
12 APPLICANT:

13 (I) IS REINSTATED IN SCHOOL AFTER THE MOST RECENT
14 SUSPENSION OR EXPULSION AND HAS COMPLETED 1 FULL YEAR OF SCHOOL WITH
15 AN ACCEPTABLE BEHAVIOR, ATTENDANCE, AND ACHIEVEMENT RECORD
16 CERTIFIED BY THE SCHOOL ADMINISTRATOR;

17 (II) GRADUATES FROM SCHOOL;

18 (III) RECEIVES A HIGH SCHOOL DIPLOMA UNDER § 7-205 OF THE
19 EDUCATION ARTICLE OR A SIMILAR PROGRAM RECOGNIZED BY THE STATE BOARD
20 OF EDUCATION; OR

21 (IV) SUCCESSFULLY COMPLETES ANOTHER COURSE OF
22 EDUCATION RECOGNIZED BY THE STATE BOARD OF EDUCATION.

23 [(b)] (D) If the applicant for a driver's license is under the age of 18 and is the
24 holder of a provisional driver's [license] PERMIT, the applicant is entitled to receive a
25 driver's license if the applicant:

26 (1) Has possessed a valid provisional driver's [license] PERMIT for the
27 12-month period immediately preceding the date of the application for a driver's license;
28 and

29 (2) Has not been convicted of a traffic violation that was committed during
30 this period and for which points may be assessed under § 16-402 of this title.

31 16-113.

32 (d) (1) In addition to the other restrictions provided in this subtitle, the
33 Administration may issue a provisional driver's [license] PERMIT to applicants who are
34 under the age of 18.

35 (2) The [license] PERMIT may be restricted by requiring that the
36 [licensee] PERMITTEE be accompanied and supervised at certain times by a licensed
37 driver who is at least 21 years old.

38 (3) The Administrator may modify or waive the restriction if the restriction
39 would affect adversely:

7

1 (i) The employment or opportunity for employment of the [licensee]
2 PERMITTEE;

3 (ii) The participation of the [licensee] PERMITTEE in an organized
4 volunteer program approved by the Administration and designed to provide
5 transportation to prevent alcohol- or drug-related driving offenses and promote highway
6 safety; or

7 (iii) The opportunity of the [licensee] PERMITTEE to participate in
8 athletic events and related training sessions.

9 16-113.1.

10 (a) Upon meeting the requirements set forth in § 16-111.2(a) of this subtitle, the
11 holder of a learner's permit shall be issued a provisional driver's [license] PERMIT as
12 authorized in § 16-113(d) of this subtitle.

13 (b) The driver's [license] PERMIT issued shall be as provided in § 16-111 of this
14 subtitle, except that it shall be identifiable as a provisional driver's [license] PERMIT and
15 shall contain a provisional symbol limiting the [licensee] PERMITTEE to driving
16 unsupervised only from 5:00 a.m. until 12 midnight.

17 (c) A provisional driver's [license] PERMIT is subject to the expiration and
18 renewal requirements of § 16-115 of this subtitle.

19 (d) Upon meeting the requirements set forth in § 16-111.2(b) of this subtitle, or
20 upon attaining the age of 18, the holder of a provisional driver's [license] PERMIT shall
21 be issued a driver's license as provided in § 16-111 of this subtitle.

22 (e) The driver's license shall be issued on payment of a fee established by the
23 Administration and shall expire 60 days after the licensee's 21st birthday.

24 16-204.

25 (A) THE ADMINISTRATION SHALL REVOKE AN INDIVIDUAL'S DRIVER'S
26 LICENSE IF THE ADMINISTRATION RECEIVES NOTICE FROM A COUNTY SCHOOL
27 SUPERINTENDENT OR A PRIVATE SCHOOL PRINCIPAL THAT THE LICENSEE HAS
28 BEEN DISCIPLINED FOR DISRUPTIVE BEHAVIOR OR TRUANCY BY:

29 (1) EXPULSION FROM SCHOOL; OR

30 (2) SUSPENSION FROM SCHOOL IF THE SUSPENSION IS AT LEAST THE
31 LICENSEE'S THIRD SUSPENSION FOR DISRUPTIVE BEHAVIOR OR TRUANCY SINCE
32 THE SEVENTH GRADE.

33 (B) A LICENSEE WHOSE DRIVER'S LICENSE HAS BEEN REVOKED UNDER
34 SUBSECTION (A) OF THIS SECTION MAY REAPPLY FOR A DRIVER'S LICENSE WHEN
35 THE APPLICANT:

36 (1) IS REINSTATED IN SCHOOL AFTER THE MOST RECENT SUSPENSION
37 OR EXPULSION AND HAS COMPLETED 1 FULL YEAR OF SCHOOL WITH AN
38 ACCEPTABLE BEHAVIOR, ATTENDANCE, AND ACHIEVEMENT RECORD CERTIFIED BY
39 THE SCHOOL ADMINISTRATOR;

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1 (2) GRADUATES FROM SCHOOL;

2 (3) RECEIVES A HIGH SCHOOL DIPLOMA UNDER § 7-205 OF THE
3 EDUCATION ARTICLE OR A SIMILAR PROGRAM RECOGNIZED BY THE STATE BOARD
4 OF EDUCATION; OR

5 (4) SUCCESSFULLY COMPLETES ANOTHER COURSE OF EDUCATION
6 RECOGNIZED BY THE STATE BOARD OF EDUCATION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1996.